

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:)Docket HWCA 99/00-2002
Allegheny Teledyne, Inc.,)
fdba Teledyne Industries,)
Inc. fdba Teledyne Ryan)
Aeronautical/McCormick)
Selph Ordinance, and)
McCormick Selph, Inc.)
3601 Union Road)
Hollister CA 95023)
)Health and Safety Code
EPA ID No. CAD 009220899)Section 25187
Respondent.)

The State Department of Toxic Substances Control (Department) and TDY Industries, Inc ~~Allegheny Teledyne~~, Inc. (original initialed by DGR) fdba Teledyne Industries, Inc. fdba Teledyne Ryan Aeronautical/McCormick Selph Ordinance, and ~~McCormick Selph, Inc.~~ (original initialed by DGR). (Respondent) enter into this Consent Order and agree as follows:

1. Respondent, in the past, generated, handled, treated, stored, and disposed of hazardous waste at: 3601 Union Road, Hollister, California (Site).

2. The Department inspected the Site on December 8, 1999.

3. The Department alleges that the Respondent violated California Code of Regulations, title 22, section 66264.143 (f) in that on or about March 31, 1999, Respondent failed to submit a financial test for closure with their corporate guarantee.

4. A dispute exists regarding the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

9. Admissions: Respondent does not admit the violations alleged above, except as follows: Respondent admits the facts alleged above for the purposes of any subsequent action brought pursuant to the Hazardous Waste Control Law, Health and Safety Code Section 25100 et seq., within 5 years of the date the violations occurred.

SCHEDULE FOR COMPLIANCE

10. Respondent complied with the following:

10.1 Respondent submitted the necessary documents on January 14, 2000. The violations have been corrected.

PAYMENTS

11. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$ 3,000. Respondent's check shall be made payable to

Department of Toxic Substances Control, and shall be delivered to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st Floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Douglas Hohman
Senior Hazardous Substances Scientist
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

To: James J. Grace
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd Floor
P. O. Box 806
Sacramento, California 95812-0806

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for

any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

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12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

12.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Original signed by
Dated: September 4, 2001 [Dale G. Reid]
Signature of Respondent's
Representative

Original signed by

[Dale G. Reid, Vice President]
Typed or Printed Name and Title of
Respondent's Representative

Original signed by
Dated: September 5, 2001 [James J. Grace]
James J. Grace
Department of Toxic Substances
Control
Office of Legal Counsel

Original signed by
Dated: September 5, 2001 [Charlene F. Williams, Branch Chief]
Charlene F. Williams
Department of Toxic Substances
Control
Statewide Compliance Division
Northern California Branch